

REMARKS

Claims 1-3, 5-14 and 16-24 are pending in the application before the RCE.

Claims 1-3, 5-14 and 16-24 were rejected in the previous Final Office Action.

Claims 1-3, 5-14 and 16-24 have been canceled.

Claims 25-34 have been added.

All amendments and remarks are made in a good faith effort to advance the prosecution on the merits.

Applicant reserves the right subsequently to take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-14 and 16-24 are rejected under 35 U.S.C. §103 as being unpatentable over Barrus US Pat. No. 5,958,058 in view of Fanning et al [Fanning] US Pat. No. 6330639.

Claims 1-3, 5-14 and 16-24 have been canceled.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 1 and 12 under 35 U.S.C. 112, second paragraph because it was "unclear if the user input recalling the at least one memory pooling profile and the user input specifying the at least one power/performance level are different inputs or the same."

Claims 1 and 12 have been canceled.

SUMMARY

In light of the above remarks and amendments, reconsideration and withdrawal of the outstanding rejections, as well as consideration of the new claims, are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Applicant believes that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for any extensions of time, Applicant respectfully requests that the Commissioner accept this a Petition Therefor, and directs that any fees be charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, Order Number 016295.1120.**

Respectfully submitted,

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ATTORNEYS FOR APPLICANT

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